

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 22, 2023, but Cripps failed to file any objections. In fact, it appears Cripps never received a copy of the Report because he failed to keep the Court apprised of his current mailing address, as the Magistrate Judge earlier instructed him to do. *See* Proper Form Order (“You are ordered to always keep the Clerk of Court advised in writing . . . if your address changes for any reason If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this Order.” (emphasis omitted)). The Post Office returned the Report to the Court on October 5, 2023, marked “RETURN TO SENDER[,], NOT DELIVERABLE AS ADDRESSED[,], UNABLE TO FORWARD[.]”

Nevertheless, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

Therefore, after a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court this action is **DISMISSED** in accordance with Fed. R. Civ. P. 41(b) and the pending motions for summary judgment are **DEEMED AS MOOT**.

IT IS SO ORDERED.

Signed this 10th day of October, 2023, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Cripps is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to the Federal Rules of Appellate Procedure.